

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:10-cr-117

-vs-

District Judge Timothy S. Black

Magistrate Judge Michael R. Merz

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FRANCISCO AMILCAR-GEOVANI,

Defendant.

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**REPORT AND RECOMMENDATIONS**

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This case came on for hearing at on Wednesday, July 28, 2010. The United States was represented by Assistant United States Attorney Andrew Hunt and Defendant was represented by Assistant Federal Public Defender Thomas Anderson. The case was referred to the undersigned for the plea colloquy under Fed. R. Crim. P. 11 (Doc. No. \_\_\_\_).

The parties have entered into a plea agreement which has been filed of record (Doc. No. 13). The undersigned carefully inquired of Defendant regarding the agreement and into his competence and understanding of that agreement. Having inquired, the Magistrate Judge believes that Defendant's tendered plea of guilty is knowing, intelligent, and voluntary. Based upon the statement of facts made a part of the plea agreement, the Magistrate Judge is persuaded that there is a sufficient factual basis for a finding of guilt.

It is accordingly respectfully recommended that the Court accept the plea agreement and plea of guilty and find the Defendant guilty as charged in Count One of the Information of being an alien previously deported and removed from the United States and found thereafter in the United States without having obtained permission from either the Attorney General or the Secretary of Homeland

Security to apply for readmission.

Pending the Court's acceptance of the plea, Defendant has been referred to the Probation Department for a presentence investigation and he has been continued in detention. Sentencing in this case is set for 10:00 a.m. on October 21, 2010, in Courtroom No. 2, 200 West Second Street, Dayton, Ohio 45402.

July 28, 2010.

s/ **Michael R. Merz**  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).